

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The Office Action rejected Claims 1-15 as follows: Claim 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,085,101 (Jain et al.) in view of U.S. Patent No. 6,278,377 (DeLine et al.) and further in view of U.S. Patent No. 5,966,652 (Coad et al.); Claims 6, 7, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeLine et al. in view of U.S. Patent No. 6,212,260 (Baum et al.); and Claims 8-10 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeLine et al. in view of Baum et al. and further in view of Jain et al.

Claims 16 and 17 have been newly presented, and Claims 1-17 are now pending in this application. No new subject matter has been presented.

The Office Action rejected each of the then-pending independent claims, i.e. Claims 1, 6 and 11, in view of the newly cited reference of DeLine et al. in combination with one or more previously cited references. The Examiner alleged that DeLine et al. “teaches determining, *when a voice call is not normal established*, whether the called mobile station has confirmed the received message after the called mobile station is informed of receipt of the message” (Office Action, page 3, emphasis in original, also see top of page 5).

The Examiner incorrectly alleged that DeLine et al. relates to circumstances in which a voice call is not normally established.

DeLine et al. discloses a vehicle accessory indicator for use with a hands-free microphone, such as those common in vehicle audio systems. The indicator provides a user with

a status signal relating to the quality of the reception by the microphone of a vocal signal (Abstract, also see Col. 6, lines 55-57 “the indicator signal indicates when a human voice signal is being adequately received by the microphone”). When inadequate reception exists, the indicator of DeLine informs the user of the need to speak louder, turn his/her head toward the microphone, or turn down the volume of other noises, such as the car radio, in order to maintain a voice call. Unless a voice call is first established, there is no voice signal to detect the adequacy of, which is the very purpose of the indicator taught by DeLine et al. Accordingly, DeLine et al. merely discloses an indicator that monitors reception status after a voice call is normally established.

The Examiner cited Col. 9, lines 11-31, as supporting the allegation that DeLine et al. relates to circumstances in which a voice call is not normally established. To the contrary, this section emphasizes that the indicator of DeLine et al. provides “the receiving status of vocal signals...[to reduce] the possibility that a message will not be received clearly, correctly, and/or accurately by the receiving party” (Col. 9, lines 12-16). This section explains that the user “is alerted immediately if...the other party to the communication is not adequately receiving the message,” thereby allowing the user to either “speak up or speak more clearly, or adjust the volume of other noises or conversations within the vehicle to correct the reception concerns” (Col. 9, lines 17-23). The use of the indicator “when the other party is an automatic or computer based voice recognition system” is to inform the user when voice quality during a call caused “the message sent [to] not have been properly received”, informing the user that he or she may want to “re-send the message or try again later in order to ensure that that message is properly received” (Col. 9, lines 26-31).

The Examiner also cited Col. 1, line 65 to Col. 2, line 4. This section merely relates to a voice message or similar system, which similarly requires that a voice call first be established, and does not suggest that the indicator of DeLine is applicable *when a voice call is not normally established*, as in each of pending Claims 1-15.

Accordingly, nowhere, either in the sections cited by the Examiner or elsewhere, does DeLine et al. disclose or suggest a method in which responses are collected *when a voice call is not normally established*, as in Claims 1, 6 and 11. None of the other cited references cure this defect.

It is also believed that the cited art fails to disclose the recitations of newly presented independent Claim 16.

Without conceding the patentability *per se* of the dependent claims, Claims 2-5, 7-10, 12-15 and 17 are believed to be in condition for allowance for at least the above reasons.

If the Examiner has any questions regarding this communication, the Examiner is requested to contact the undersigned.

Respectfully submitted,



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